

**United States District Court
District of Massachusetts**

ROBERT J. HARRINGTON, et al.,

Plaintiffs,

v.

DELTA AIR LINES, INC., et al.,

Defendants.

Civil Action No. 04-12558-NMG

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A MEMORANDUM IN EXCESS
OF 20 PAGES AND TO EXTEND THE TIME FOR FILING**

The plaintiffs request (1) leave of the Court to file a single memorandum (up to 40 pages in length) in opposition to the six motions to dismiss filed by (a) the eight Domestic Defendants collectively (Alaska Airlines, American Airlines, Continental Airlines, Delta Air Lines, Northwest Airlines, Southwest Airlines, as the Airlines Reporting Corporation (ARC), and the Air Transport Association of America (ATA)), (b) four of the foreign airlines separately (Aer Lingus Limited, Alitalia-Linee Aeree Italiane S.p.A., and British Airways, PLC, and Deutsche Luftansa AG), and (c) ATA separately; and (2) an extension of the time in which the plaintiffs may file the combined opposition to the defendants' various motions to dismiss, until October 1, 2005.

Many of the arguments made by the defendants in their motions are identical, similar, or overlapping, so a combined opposition is the most efficient way to address them. However, opposition to these new motions has required more time to prepare than anticipated—owing to the fact that plaintiffs' counsel has just changed firms (and office locations) and the attorney primarily responsible for preparing the memorandum of law has been out of the country for

several months. The plaintiffs therefore request an enlargement of the time for filing. Finally, this relatively short delay is unlikely to prejudice any of the parties.

Respectfully submitted:

Robert J. Harrington, *et al.*, *plaintiffs*,
By their attorney:

/s/ Evans J. Carter

Evans J. Carter, Esq. (BBO# 076560)
Hargraves, Karb, Wilcox & Galvani, LLP
550 Cochituate Road
P.O. Box 966
Framingham, MA 01701-0966
(508) 620-0140 phone
(508) 875-7728 facsimile

Local Rule 7.1(a)(2) Certification

I certify that counsel for the plaintiffs attempted in good faith to resolve the issues presented in this motion with counsel for the defendants but was unable to do so.

/s/ Evans J. Carter

Evans J. Carter

Dated: September 16, 2005